

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10892 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- KAJRA District- Lakhisarai

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MAYANK KUMAR S/O ASHOK KUMAR @ ASHOK MANDAL R/o
village- Konan, P.S.- Sikandra, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bharat Lal

For the Opposite Party/s : Mr. Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Kajra P.S.
Case No. 85/2021 registered for the offences punishable under
Sections 448, 341, 366A, 379 and 506 of the Indian Penal Code.

As per prosecution case, the petitioner alongwith
others entered in the house of the informant armed with various
weapons and terrorized all family members and threatened to
shoot them and looted 40,000/- cash and ornaments valued
Rs.3,00000/- from the house of the informant and took away her
daughter, Kriti Kumari.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. The petitioner is languishing in custody since 21.09.2021 and bears no criminal antecedent. He further submits that the Medical Board assessed the age of victim as 18 to 19 years which is evident from Annexure-3 of the bail petition.

Learned counsel for the petitioner further submits that the statement of victim recorded under Section 164 Cr.P.C. that she was in love with the petitioner and both read in the same school since last five years. The petitioner did nothing to induce the said victim girl rather she called the petitioner and both married in a temple at Jamui and both started residing as a husband and wife. He further submits that the statement of victim recorded under Section 161 Cr.P.C. and same version has been corroborated under Section 164 Cr.P.C. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, keeping in view the statement of victim recorded under Section 164 Cr.P.C. in which she stated that the petitioner was being called by her and the petitioner did nothing to induce the said victim girl, material available on record, period of custody,



charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner and also taking into consideration, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Lakhisarai, in connection with Kajra P.S. Case No. 85/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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